

***Delaware Health Resources Board  
SUN Behavioral Health Review Committee Meeting Minutes  
Thursday, October 15, 2015 1:00 PM  
Edge Hill Shopping Center, Room 201  
43 South DuPont Highway  
Dover, Delaware***

***Review Committee Members Present:***

Bill Love, Chair; Mark Thompson; and John Walsh

***Staff Present:***

Marlyn Marvel; Joanna Suder; and Latoya Wright.

***Call to Order and Welcome***

The meeting of the Health Resources Board Review Committee for SUN Behavioral Health was called to order at 1:00 p.m. by Bill Love, Review Committee Chair.

***Opening Comments***

Introductions were made around the table for the benefit of the guests.

***Approval of August 25, 2015 Meeting Minutes***

Mr. Love stated that Mark Thompson's name was misspelled in the minutes. Page 3 of the minutes stated that Mr. Love "would like to have the staff ask the applicant the following questions about the application." One of the questions was: "On page 27 there are many assumptions to one percent reimbursement rates." Mr. Love stated that the sentence should be revised to state that "there are many assumptions regarding a one percent increase in reimbursement rates."

The minutes were approved with the noted revisions.

***Review of SUN Behavioral Health Follow up Questions and Responses***

The Review Committee reviewed the responses to the SUN Behavioral Health follow up questions from the August 25, 2015 meeting.

Mr. Love stated that the first item is the impact of the settlement agreement that Delaware has entered with the Delaware Department of Justice for expansion of community based mental health services and the reduction of relying on inpatient acute care psychiatric services over time.

The key issue is the state's over reliance on inpatient psychiatric services and what impact SUN Behavioral Health's proposal to open a new hospital will have on the settlement agreement.

John Walsh stated that the settlement agreement was basically directed at the Delaware Psychiatric Center because individuals were admitted far longer than what would be the appropriate time to help them be able to function in the outside world with the agreement and establishment of outpatient facilities and resources available.

The other private hospitals in the state are still operating at capacity in spite of the agreement that has been in effect for over one year. There still seems to be a need and the population is continuing to grow.

Mr. Walsh stated that, while it is important to be aware of the settlement, he does not think it directly impacts this application unless they are planning on keeping people for months at a time, which he does not think is the intention. The idea is to stabilize and get them into outpatient treatment.

Mr. Love suggested that, if the Board chooses to approve the proposal, it does so with the condition that SUN Behavioral Health cooperate with the state on assessment to make sure that only those who really need that level of care are admitted.

The committee believed that the proposal would be consistent with the agreement.

Mr. Love stated that SUN Behavioral Health was asked to explain the analysis for determining the need for a 90 bed facility versus a 25-30 bed facility. His only concern is the consistency with the settlement agreement. He would like to have an agreement in place with SUN to work with the Division of Substance Abuse and Mental Health (DSAMH) on ensuring that only those that need that level of hospital care are actually admitted.

Mr. Walsh stated that at the public hearing there was concern about the need for the number of beds, as opposed to the need for a facility. Part of the discussion was about the projected increase in the population. SUN's application states that this is the number of beds needed to be an attractive facility to health care providers. He thinks that adding a condition that only the people who need that level of care are admitted would be a reasonable request.

### ***Review of Certificate of Public Review Draft Report***

The Committee reviewed the draft Certificate of Public Review Report. Mr. Love stated that the staff should add a short synopsis of the public hearing to the report. The full transcript of the public hearing will be sent to the Health Resources Board for review prior to the next Board meeting.

### ***Review Considerations***

The Review Committee reviewed the following criteria for reviewing the proposal to determine whether the application does or does not meet each criterion.

#### **Criterion 1: The relationship of the proposal to the Health Resources Management Plan**

The report states that the application notes that the absence of a complete behavioral health continuum in Sussex County forces patients to travel outside the county for treatment. Mr. Love stated that the report should state that it is not only a cost barrier but it can be a barrier to receiving continued treatment.

The Review Committee found that the application meets criterion one.

#### **Criterion II: The need of the population for the proposed project**

Mr. Love stated that the report should reference the issue around veterans. It should also mention the need for geriatric mental health services that is related to the growth of the aging population in Sussex County.

Mr. Love stated that the report should include the fact that the Committee is concerned about the State's compliance with the settlement agreement. If the proposal is approved by the Board it is critical that SUN Behavioral Health agree to collaborate with the State on ensuring only those who need inpatient psychiatric care are actually admitted and that others are diverted where possible.

The applicant also needs to agree that, as a condition for approval, patients are referred for appropriate follow up care upon discharge.

The Review Committee found that the application meets criterion two with the added conditions.

Criterion III: The availability of less costly and/or more effective alternatives to the proposal, including alternatives involving the use of resources located outside the state of Delaware.

Mr. Love stated that he does not believe there are alternative services in the Eastern Shore of Maryland. If a person in Sussex County needs crisis intervention services they must either travel to Dover or New Castle County.

Mr. Love stated that the report should include the discussion about the impact of being taken to services by the police because they do not handle it as appropriately as possible. Mr. Thompson stated that it is a traumatic experience.

The Review Committee found that the application meets criterion three.

Criterion IV: The relationship of the proposal to the existing health care delivery system.

Mr. Love stated that the Committee should repeat the condition that they will ask SUN about cooperating with the State's mental health system on diverting admissions where possible.

Mr. Walsh stated that the report should state that the two leading hospitals in Sussex County have already submitted letters of support for the project.

The Review Committee found that the application meets criterion four.

Criterion V: The immediate and long term viability of the proposal in terms of the applicant's access to financial, management and other necessary resources.

The Review Committee found that the application meets criterion five.

Criterion VI: The anticipated effect of the proposal on the costs of and charges for health care.

Mr. Love stated that the chart included in the report for 2017 shows that revenue will be below expenses, resulting in a loss. The report should mention that the proposal projects that revenue will exceed costs by 2018. Mark Thompson stated that the 2018 numbers should be included.

The Review Committee found that the application meets criterion six.

Criterion VII: The anticipated effect of the proposal on the quality of health care.

Mr. Love stated that the report should add a mention of a geriatric unit.

The Review Committee found that the application meets criterion seven.

### ***Recommendation***

Based upon the foregoing findings, the Review Committee hereby recommends approval of the CPR application submitted by Sun Behavioral Health with the following conditions:

- Sun Behavioral Delaware will develop assessment practices that will ensure services are provided specific to individual needs and minimize unnecessary admission of individuals to inpatient acute care services who do not require that level of care. Further, Sun Behavioral Delaware will collaborate with Delaware's Division of Substance Abuse and Mental Health (DSAMH) in efforts to treat individuals in the least restrictive environment and prevent the unnecessary.
- Sun Behavioral Delaware will actively work with DSAMH and with Delaware's community-based provider network to ensure that all individuals discharged from inpatient services will have a discharge plan in place that ensures appropriate follow-up care specific to their needs.
- Sun Behavioral Delaware will develop a charity care policy setting forth criteria for identifying patients who will receive care without charge or at a reduced charge and for whom collection efforts will not be made. The applicant shall maintain records to measure the amount of charges forgone under this charity care policy. Charity care shall not include bad debts or charge reductions resulting from contracts with third party payors. Within 180 days after the end of each fiscal year, a certified public accountant shall submit a report to the Delaware Health Resources Board showing the applicant's total gross charges and the amount of charges forgone under the charity care policy. If the amount of charges forgone is less than 2.0 percent of total gross charges, the applicant shall be responsible for making up such deficit in the following year and shall submit to the Board its plan for increasing the level of charity care provided. Likewise, if the amount of charges forgone is more than 2.0 percent of total gross charges, such excess shall be credited towards the following year's obligation.
- Sun Behavioral Delaware will agree to participate in the DHIN (Delaware Health Information Network) as the state designated health information exchange as a fully participating data sender at the prevailing fee structure, and to participate in additional functionality and data exchange features and services as made available by DHIN. The level of participation will be limited to what is permitted under State and Federal laws.

### ***Next Steps***

Mr. Love stated that the staff will send an email on Monday with the wording of the four conditions to SUN Behavioral Health for review. The final Certificate of Public Review Report will be submitted to the Health Resources Board at the October 22, 2015 meeting.

### ***Adjourn***

The meeting adjourned at 2:25 p.m.

***Guests Attending***

Charles Constant  
Doug Gramiak  
William Mason  
John McKenna  
Steve Page  
Jason Powell

DBHS  
Young Conaway Public Strategies  
Meadow Wood BHS  
UHS  
SUN Behavioral Health  
Rockford Center